

Town Board Minutes

**Meeting
No. 34**

Regular Meeting

December 4, 1995

MEETINGS TO DATE 34
 NO. OF REGULARS 23
 NO. OF SPECIALS 11

LANCASTER, NEW YORK
 DECEMBER 4, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 4th day of December 1995 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
 DONALD E. KWAK, COUNCIL MEMBER
 PATRICK C. POKORSKI, COUNCIL MEMBER
 THOMAS H. VAN NORTWICK, COUNCIL MEMBER
 LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
 ROBERT H. LABENSKI, TOWN ENGINEER
 JOSEPH F. REINA, TOWN ATTORNEY
 ROBERT L. LANEY, BUILDING INSPECTOR
 JOHANNA M. COLEMAN, RECEIVER OF TAXES

PUBLIC HEARING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a contract to be entered into by and between the Bowmansville Volunteer Fire Association, Inc. and the Town of Lancaster, in accordance with section 184 of the Town Law, for fire protection to be furnished to the Fire Protection District established in the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

ADDRESS

None

OPPOSERS

ADDRESS

William J. MacPeck, President of Bowmansville Vol. Fire Dept.

COMMENTS & QUESTIONS

ADDRESS

Donald Symer	610 Columbia Avenue
Kandy Palmeri	5815 Genesee Street
Gloria Kubicki	15 Maple Drive

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:15 P.M.

PUBLIC HEARING SCHEDULED FOR 8:20 P.M.:

At 8:20 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a contract to be entered into by and between the Millgrove Volunteer Fire Department, Inc. and the Town of Lancaster, in accordance with section 184 of the Town Law, for fire protection to be furnished to the Fire Protection District established in the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS	ADDRESS
None	
OPPOSERS	ADDRESS
None	
COMMENTS & QUESTIONS	ADDRESS
Helen Uebelhoer, President, Millgrove Vol. Fire Dept.	

ON MOTION BY COUNCIL MEMBER POKORSKI, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:22 P.M.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a contract to be entered into by and between the Town Line Volunteer Fire Department, Inc. and the Town of Lancaster, in accordance with section 184 of the Town Law, for fire protection to be furnished to the Fire Protection District established in the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS	ADDRESS
None	
OPPOSERS	ADDRESS
None	
COMMENTS & QUESTIONS	ADDRESS
None	

ON MOTION BY COUNCIL MEMBER POKORSKI, AND SECONDED BY SUPERVISOR GRECO AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:35 P.M.

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons for or against a contract to be entered into by and between the Twin District Volunteer Fire Company, Inc. and the Town of Lancaster, in accordance with section 184 of the Town Law, for fire protection to be furnished to the Fire Protection District established in the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROFONENTS

ADDRESS

None

OPPONENTS

ADDRESS

None

COMMENTS & QUESTIONS

ADDRESS

Ronald Rozler, President, Twin District Vol. Fire Dept. Inc.

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER POKORSKI AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:45 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board
and the Planning Board held on November 20, 1995, and the Regular Meeting of
the Town Board held on November 20, 1995, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

December 4, 1995

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER POKORSKI, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

WHEREAS, funds have been provided in the current 1996 General Town Budget for the 1996 Tree Planting Program, and

WHEREAS, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That sealed bids be received by the Town Clerk up to 10:30 A.M., Local Time, on December 18, 1995 for meeting the requirements of the Town of Lancaster's 1996 Tree Planting Program and for supplying of trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RBOTREES (P1)

LEGAL NOTICE

TOWN OF LANCASTER

NOTICE TO BIDDERS

OR NURSERYMEN

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk up to 10:30 A.M., Local Time, on December 18, 1995 at his office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 1996 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE

TOWN OF LANCASTER

BY: ROBERT P. THILL

Town Clerk

December 4, 1995

File: RBOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI, TO WIT:

WHEREAS, the Town Board, by resolution dated September 19, 1994, appointed JOHN D. SMITH to the position of Construction Inspector in the service of the Engineering Department of the Town of Lancaster on a provisional basis pending successful passing of a civil service examination, and

WHEREAS, the Personnel Office of the County of Erie has informed the Supervisor of the Town of Lancaster that JOHN D. SMITH has successfully passed a civil service examination for this position, and

WHEREAS, it is the desire of the sponsor of this resolution to appoint JOHN D. SMITH to the permanent civil service position of Construction Inspector in the service of the Engineering Department of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that JOHN D. SMITH, 6026 Broadway, Lancaster, New York 14086, be and is hereby appointed to the permanent civil service position of Construction Inspector of the Town of Lancaster retroactive to November 15, 1995, the date the civil service list for this position was established by the County of Erie, and

BE IT FURTHER

RESOLVED, that the 1995 salary for JOHN D. SMITH be and is hereby set at the amount as set forth in the 1995 schedule of salaries adopted by the Town Board on January 3, 1995.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 6, 1995

File: RPERS.CIV

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, Woodgate Associates, 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster a for permit to construct a Public Improvement upon real property in the Town of Lancaster within Woodgate Subdivision, Phase IIB, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 429 of Woodgate Associates, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No. 429 - Lots 20-41 and 80-88; nine (9) standards complete
(Street Lights) with fixtures, lamps, photo controls and
associated appurtenances as per street light plan
prepared by NYSEG

be and is hereby approved and the installation of the improvement requested be
and is hereby authorized.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RPIP (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER POKORSKI , TO WIT:

WHEREAS, it is necessary to make various transfers within the 1995
budget accounts of the Town of Lancaster at the close of Town business on
December 31, 1995,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby
is authorized and directed to make such transfers to all over-expended
accounts from available funds in the 1995 Budget, including unappropriated
fund balances, upon the close of Town business on December 31, 1995.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER POKORSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER VAN NORTWICK, TO WIT:

WHEREAS, a vacancy exists in the position of Bingo Inspector
Assistant due to the resignation of John Maccarone, and

WHEREAS, Council Member Pokorski, by memorandum dated November 29,
1995, has recommended the appointment of Timothy A. Bianchi to fill the vacant
position of Bingo Inspector Assistant of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that TIMOTHY A. BIANCHI, 115 Southwest Parkway, Lancaster,
New York 14086, be and hereby is appointed to the position of Bingo Inspector
Assistant of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that said appointment is for the period December 4, 1995
to December 31, 1995.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1994

File: RPERS.APP (P7)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER POKORSKI , TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated November 26, 1995, has requested the addition and deletion of members to the active roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to and the deletion from the membership of the Twin District Volunteer Fire Company, Inc. of the following individuals:

ADDITION

Keith Kerl
200 St. Mary's Street
Lancaster, New York 14086

DELETION

Christopher Wesolek
30 Legion Parkway A-2
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER POKORSKI ,
TO WIT:

WHEREAS, BARBARA L. PERRY, 46 Pleasantview Drive, Lancaster, New York 14086, the owner of real property situate at 46 Pleasant View Drive in the Town of Lancaster, has submitted an application for a Special Use Permit for a Home Occupation (sewing, reupholstery and costume rental) in accordance with provisions of Chapter 50-Zoning of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupations, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Home Occupation (sewing, reupholstery and costume rental) on premises locally known as 46 Pleasantview Drive in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of December, 1995, at 8:10 o'clock P.M., Local Time, and that notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17 (F), "Home Occupations" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 4th day of December, 1995, the said Town Board will hold a Public Hearing on the 18th, day of December, 1995, at 8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Barbara L. Perry for a Special Use Permit, for a Home Occupation (sewing, reupholstery and costume rental) on premises locally known as 46 Pleasantview Drive, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

December 4, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the County of Erie has submitted a proposed contract whereby the County will reimburse the Town of Lancaster for plowing County highways within its jurisdiction, and

WHEREAS, the Chairman of the Highway Committee of the Town Board has reviewed the proposed terms and conditions of the proposed Contract and recommends approval of same, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the interest of public safety to enter into a Snow Removal Contract with the County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized and directed to execute a 5-year Snow Removal Contract, commencing November, 1995, between the Town of Lancaster and the County of Erie, whereby the County will reimburse the Town for removing snow from county highways located within the Town's jurisdiction, in accordance with the terms and conditions contained therein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

PREFILED RESOLUTION NO. 10 - MEETING OF 12/04/95

Greco/_____

Authorize Agreement Police Benevolent Association
d/b/a Cayuga Club 1996-1998

At the request of Supervisor Greco, this resolution was withdrawn
for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the Erie County Water Authority ("AUTHORITY"), has installed a 10-inch connection from the existing water main in Walden Avenue to Walden Pond Park, to be used for fire protection purposes only, and

WHEREAS, the AUTHORITY has submitted an agreement covering the use and maintenance of said connection, and

WHEREAS, the Town Board deems it in the public's interest to execute said Agreement;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor, on behalf of the Town of Lancaster, and in consideration of the fire protection service to be supplied to Walden Pond Park by the AUTHORITY, is hereby authorized to sign said Agreement, in triplicate.

2. The Town Attorney is directed to forward all copies to the AUTHORITY for appropriate signature, and that upon receipt of a fully executed copy, to file same in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

PREFILED RESOLUTION NO. 12 - MEETING OF 12/04/95

Van Nortwick/_____ Authorize Agreement Fire Protection Contracts With
Bowmansville V.F.A., Millgrove V.F.D., Town Line
V.F.D., And Twin District V.F.C. For Fire Protection
To Town Protection District No 1

At the request of Council Member Van Nortwick, this resolution was
withdrawn for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the New York State Education Department has awarded the Erie 1 BOCES a grant for the period September 8, 1995 to September 7, 1996, in the amount of \$30,200.00 to fund six (6) municipalities, which includes the Town of Lancaster, to operate Youth Volunteer programs through the municipal youth bureaus, and

WHEREAS, the Erie 1 BOCES has authorized the Chief Executive Officer to enter into a contract with the Town of Lancaster for the amount of \$5,033.34 and

WHEREAS, the Town Board desires to enter into a contract with the Erie 1 BOCES for the amount of \$5,033.34;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That LUCIAN J. GRECO, Supervisor of the Town of Lancaster is authorized to enter into a contract with the Erie 1 BOCES in the amount of \$5,033.34 to continue a Youth Volunteer Program through the Town of Lancaster Youth Bureau, and

2. That a certified copy of this resolution be forwarded to the Erie 1 BOCES, together with a duly executed contract.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RYBYVPRO.D95

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK ,TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated November 30, 1995 has requested permission to attend the Association of New York State Youth Bureaus meeting in New York City on December 18, 1995,

NOW, THEREFORE, BE IT

RESOLVED, that the Executive Director of the Youth Bureau of the Town of Lancaster be and is hereby authorized to attend the Association of New York State Youth Bureaus meeting in New York City on December 18, 1995, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized in an amount not to exceed \$300.00, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RSEMMTGS (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 5359 to Claim No. 5546 Inclusive

Total amount hereby authorized to be paid: **\$613,789.88**

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of November, 1995 on the petition of Love Joy Gospel Church, the contract vendee of a parcel of property located on the south side of Genesee Street, east of Harris Hill Road, and locally known as 5423 Genesee Street in the Town of Lancaster, for the purpose of rezoning the property from an RCO Residential Commercial Office District to an R1-Residential District One, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster has recommended the rezone of the hereinafter described parcel of real property, and

WHEREAS, a SEQR review was held on this proposed project on the 20th day of November, 1995, at which time the Municipal Review Committee issued a Negative Declaration for SEQR purposes, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto, and

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an RCO Residential Commercial Office District to an R1-Residential District One:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 3, Section 12, Township 11, and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the former southerly line of Genesee Street, at its intersection with a line which is parallel to the easterly line of Harris Hill Road and distant 946.54 feet easterly at right angles therefrom;

THENCE southerly along said parallel line 290.29 feet to a point;

THENCE easterly at an angle parallel to the southerly line of Genesee Street, 366.81 feet to a point;

THENCE northerly along a line parallel to the east line of Harris Hill Road 272.05 feet to a point in the former southerly line of Genesee Street;

THENCE westerly along said former street line to a point of beginning.

2. That said Ordinance Amendment be added in the minutes of the Town Board of the Town of Lancaster held on the 4th day of December, 1995;

3. That a certified copy thereof be published in the Lancaster Bee on or before the 7th day of December, 1995;

4. That Affidavits of Publication of same shall be filed in the office of the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
TO
ZONING ORDINANCE, TOWN OF LANCASTER
(LOVE JOY GOSPEL CHURCH)

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance and Zoning Map of the Town of Lancaster, are hereby amended and changed so that the real property hereinafter described is changed from an RCO-Residential Commercial Office District to an R1-Residential District One:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 3, Section 12, Township 11, and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the former southerly line of Genesee Street, at its intersection with a line which is parallel to the easterly line of Harris Hill Road and distant 946.54 feet easterly at right angles therefrom;

THENCE southerly along said parallel line 290.29 feet to a point;

THENCE easterly at an angle parallel to the southerly line of Genesee Street, 366.81 feet to a point;

THENCE northerly along a line parallel to the east line of Harris Hill Road 272.05 feet to a point in the former southerly line of Genesee Street;

THENCE westerly along said former street line to a point of beginning.

December 4, 1995

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING ORDINANCE AND MAP with the original thereof filed in my office at Lancaster, New York on the 4th day of December, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town this 4th day of December, 1995.

s/s Robert P. Thill
Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, MASTER MOTORS OF BUFFALO, INC., 4993 Eastbrooke Place, Williamsville, New York 14221, has applied for Site Plan Approval for a facility for automobile purchases, sales, repairs and rentals, for premises located on the southwest corner of the intersection of Genesee Street and Harris Hill Road, and locally known as 5375 Genesee Street, Bowmansville, New York 14026, and

WHEREAS, the Planning Board, on October 26, 1995, recommended approval of the Site Plan Application, and

WHEREAS, Master Motors of Buffalo, Inc., has applied for a Special Use Permit to be allowed to use the premises as hereinabove stated, and

WHEREAS, the Town Board conducted a public hearing upon said application on November 20, 1995, and

WHEREAS, the Town Board has determined, based upon general knowledge and upon the advice of the Town Attorney, that the use contemplated herein is a permitted non-conforming use, and

WHEREAS, the Town Board has reviewed the Site Plan Application, the recommendation of the Planning Board, the Special Use Permit Application and the comments elicited at the public hearing, and based thereon, has determined to approve both the Site Plan and the application for a Special Use Permit under certain conditions, and based upon the following findings, that the proposed use:

1. Will be in harmony with the general purposes and intent of the Town's Zoning Ordinance;
2. Will not tend to depreciate the value of adjacent property;
3. Will not create a hazard to health, safety or the general welfare;
4. Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof; and

5. Will not otherwise be detrimental to the public convenience and welfare.

NOW, THEREFORE, BE IT

RESOLVED, that the application for site plan approval and the application for a Special Use Permit submitted by Master Motors of Buffalo, Inc., for premises located on the southwest corner of Genesee Street and Harris Hill Road, and locally known as 5375 Genesee Street, Bowmansville, New York 14026, are hereby approved, subject to the following conditions:

1. A split-rail fence shall, at all times, be erected and maintained in good condition along the periphery of the premises as detailed in the site plan prepared by Glynn Geotechnical Engineering dated October 12, 1995;
2. The mercury vapor lights to be installed shall not exceed fifteen (15) feet in height;
3. No mercury vapor light shall be nearer than sixty-two (62) feet east of the west boundary line of the premises;
4. No underground oil or gas tanks may be installed;
5. If it is, at any time, determined by the NYS Department of Environmental Conservation that there are underground oil or gas storage tanks located on the premises as of the date of this resolution and the NYS D.E.C. directs that such underground tank or tanks shall be removed, then such tank or tanks shall be removed as determined by the NYS D.E.C.;
6. The exits and entranceways shall be paved and shall be maintained in good repair at all times;
7. A screened dumpster shall be located at the rear of the building at all times;
8. There shall be no outside storage or accumulation of automotive parts or tires;
9. All other improvements set forth on said site plan shall be complied with at all times; and
10. Any default in compliance with any of the conditions herein shall be cause for revocation of the Special Use Permit. Any revocation proceedings shall be in conformance with the provisions of the State Administrative Procedure Act of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995
File: RMSTRMTR.D95

PREFILED RESOLUTION NO. 18 - MEETING OF 12/04/95

Greco/_____ Authorize Agreement Town Of Cheektowaga And Village
Of Depew "Agreement For Assessing Services"

At the request of Supervisor Greco, this resolution was withdrawn
for further study.

File: RWTHDRWN2

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the term of the Town's Assessor expired on September 30, 1995, and

WHEREAS, pursuant to Section 5, Public Officer's Law, the office of Town Assessor is deemed vacant for the purpose of choosing his successor, and

WHEREAS, CHRISTINE A. FUSCO, has received a certificate from the State of New York certifying that she is eligible for the position of appointed Assessor, and

WHEREAS, during the past four years, she has performed her duties in a satisfactory and competent manner, including, but not limited to, reorganizing the filing system, instituting more efficient office procedures, establishing a working relationship with the Town's Building Department, Tax Receiver's Office and assessors from surrounding towns, and developing a complete working knowledge of processing transfers, exemptions, assessment changes and reports through the Real Property System now in use, and has demonstrated an ability to perform the duties of assessor in those times when the assessor was not available;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That CHRISTINE A. FUSCO, 2 Shadyside Lane, Lancaster, New York, be and is hereby appointed Assessor for the Town of Lancaster;

2. Her term as Assessor shall commence December 4, 1995 and expire September 30, 2001, at a salary for said position as set forth in the schedule of salaries.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	NO
COUNCIL MEMBER KWAK	VOTED	NO
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

December 4, 1995

File: RAPTASSR.D95

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI, TO WIT:

WHEREAS, the sponsor of this resolution, by memorandum dated November 30, 1995 has requested the appointment of Susan M. Gryczynski to the full-time, permanent Civil Service Position of Clerk-Typist in the Parks and Recreation Department of the Town of Lancaster, and

WHEREAS, the Personnel Office of the County of Erie has informed the Supervisor of the Town of Lancaster that SUSAN M. GRYZYNSKI has successfully passed a civil service examination for this position,

NOW, THEREFORE, BE IT

RESOLVED, that SUSAN M. GRYZYNSKI, 365 Columbia Avenue, Depew, New York 14043, be and is hereby appointed to the full-time, permanent civil service position of Clerk-Typist, in the Parks and Recreation Department of the Town of Lancaster effective December 4, 1995 at the union salary of \$24,359.00 as set forth in the 1995 Schedule of salaries.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RPERS.CIV (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI , TO WIT:

WHEREAS, the sponsor of this resolution by memorandum dated November 30, 1995 has requested the upgrading of Ronald O. Hoffman from the position of Laborer Aide, to the position of Laborer, full-time permanent, in the Parks and Recreation Department of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that RONALD O. HOFFMAN, 1926 Como Park Boulevard, Lancaster, New York 14086, be and is hereby upgraded to the position of Laborer, full-time permanent, in the Parks and Recreation Department of the Town of Lancaster, at the union hourly rate of \$14.25 per hour as set forth in the 1995 Schedule of Salaries, effective December 4, 1995.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED NO
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA TO WIT:

RESOLVED, that the following Building Permit Applications be
and are hereby approved and the issuance of these Building Permits be and are
hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the
Town of Lancaster are waived for this permit.

No	Code Applicant	Street Address	Structure
3080	All Craft Homes	3 Bridgewater Ct	Er. Sin. Dwlg
3081	Ulbrichs Tree Farm	4913 Transit Rd	Er. Temp. Sign
3082	Concept Construction	4155 Walden Ave	Er. Warehouse/Off. Bldg.
3083	Anastasi Trucking	6495 Transit Rd	Inst. tank
3084	Richard S Walczak	23 Chestnut Corner	Er. Sin. Dwlg
3085	Parkhaven Bldrs	25 Cobblestone Ct	Er. Sin. Dwlg
3086	Mail Boxes Etc	4779 Transit Rd	Er. Temp. Sign

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded
(SW) for sidewalk waiver be and are hereby approved with a waiver of the
provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires
sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, the developers of Lake Forest Subdivision have submitted a deed transferring title to the detention pond in said subdivision, and

WHEREAS, the Town Engineer, by Memo dated September 14, 1995, has advised the Town that all required work on the storm water detention pond has been done satisfactorily and recommends that the Town accept this improvement;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the deed to the detention pond in Lake Forest Subdivision.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: DRDETPND.D95

COMMUNICATIONSPage 965
DISPOSITION

767. ECSD No. 4 to Supervisor - Transmittal of Draft Negative Declaration re: Eastwood Village North sanitary sewer extension to Transit Rd.	PLANNING COMMITTEE
768. Town Engineer to Town Board - Response to concerns of Bernadette Casper re: Hunters Creek North Subdivision.	PLANNING COMMITTEE
769. Town Clerk to Town Board - Transmittal of special use permit applied for by Barbara Perry for a home occupation on premises situate at 46 Pleasant View Dr.	R & F
770. Parks and Recreation Ex. Dir. to Town Board - Notification of installation of demand electric meter at Meadow Lea Pool.	BUILDINGS COMMITTEE
771. Clough, Harbour & Associates to Town Board - Transmittal of 1995 Term Agreement for review re: engineering services.	TOWN ATTORNEY PLANNING COMMITTEE
772. Town Clerk to Zoning Board, Building Inspector and Town Attorney - Notice of Public Hearing December 14, 1995 re. variance petition - 4779 Transit Road.	R & F
773. NYSDEC to Town Attorney - SEQR Lead Agency Status re. proposed rezone 52.7 acres, Niagara Lutheran Home, 5949 Broadway.	PLANNING COMMITTEE
774. Greater Niagara Frontier Council to Mike Murray - Letter of appreciation for support of Fall Camporee.	R & F
775. Twin District Vol. Fire Co., to Town Clerk - Addition and deletion of members to/from roster.	R & F
776. Town Attorney to Highway Superintendent - Speed limit and signage - Stony Road.	PUBLIC SAFETY HIGHWAY COMMITTEE
777. Youth Bureau Director to Supervisor - Requests permission to attend NYSYB meeting in New York City December 18, 1995.	R & F
778. NYSDOT to Town Attorney - SEQR Review, Niagara Lutheran Home, 5949 Broadway	PLANNING COMMITTEE
779. Town Engineer to Town Board - Recommends acceptance of PIP's for Stony Brook Phase IVB Subdivision.	PLANNING COMMITTEE
780. Town Engineer to Town Board - Recommends acceptance of Street Lighting PIP No. 422 in Regents Park.	PLANNING COMMITTEE
781. Town Engineer to Town Board - Recommends acceptance of Street Lighting PIP No. 412 in Village on the Park Phase I.	PLANNING COMMITTEE
782. Town Engineer to Town Board - Recommends acceptance of Street Lighting PIP No. 425 in Glen Hollow Phase IIA.	PLANNING COMMITTEE
783. County Health Dept. to Town Board - Approval of completed works - Stony Brook, Phase IV B. Ref. 9116.	PLANNING COMMITTEE
784. Congressman Quinn to Supervisor - Requests use of town hall for Outreach program in 1996.	SUPERVISOR
785. Erie County Water Authority to Town Clerk - Seeks support of bill A4854A/S2909A.	R & F

PERSONS ADDRESSING TOWN BOARD:

Francis, Malcolm, 277 Argus Drive, spoke to the Town Board on the following matter:

Expressed disappointment in the Town Board's action this evening appointing Christine Fusco as Town Assessor.

Farrell, Rick, 467 Pleasant View Drive, spoke to the Town Board on the following matter:

Expressed disappointment in the Town Board's action this evening appointing Christine Fusco as Town Assessor.

Moessinger, Debbie, 1312 Ransom Road, spoke to the Town Board on the following matter:

Expressed concern and disappointment in the manner in which the Town Board conducted themselves this evening.

Palmeri, Kandy, 5815 Genesee Street, spoke to the Town Board on the following matter:

Expressed hope for a better 1996 year with a Town Board more responsive to the wishes of the people.

Joseph, Dorothy, 5962 Genesee Street, spoke to the Town Board on the following matter:

Inquired about obtaining a copy of the minutes of the Lancaster IDA meetings.

Schilling, Floyd, 220 Westwood Road, spoke to the Town Board on the following matter:

Complained that the Building Inspector gave him improper information about his mother's building lot on Siebert Road.

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER POKORSKI, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:15 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk